

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

July 18, 2013

The Marlboro Township Council held its regularly scheduled Council Meeting on July 18, 2013 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2013; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Council Vice President Marder, Councilwoman Mazzola, Councilman Metzger and Council President LaRocca.

Also present were: Ronald Gordon, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz.

Council Vice President Marder moved that the minutes of June 13, 2013 be approved. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2013-221/Ordinance #2013-15 (Amend Section 220-140 - Standards for Sheds) was introduced by reference, offered by Councilman Cantor and seconded by Councilman Metzger. Council President LaRocca opened the Public Hearing on the ordinance. As there was no one who wished to speak, the Public Hearing was closed. Discussion followed, after which Councilman Cantor moved to amend the ordinance, changing the square footage allowed for a shed from 192 square feet to 150 square feet. Ronald Gordon, Esq., determined that this is a substantial change, and therefore, the ordinance as amended becomes another first

reading. Motion was seconded by Council President LaRocca, and Resolution #2013-221/Ordinance #2013-15 as amended was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-221

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-15 (AS AMENDED)

AN ORDINANCE AMENDING SECTION 220-140 OF THE CODE OF THE TOWNSHIP OF MARLBORO AMENDING THE STANDARDS FOR SHEDS AS ACCESSORY STRUCTURES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 12, 2013 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2013-15 (As Amended)

AN ORDINANCE AMENDING SECTION 220-140 OF THE CODE OF THE TOWNSHIP OF MARLBORO AMENDING THE STANDARDS FOR SHEDS AS ACCESSORY STRUCTURES

BE IT FURTHER ORDAINED, that Section 220-140 of the Code of the Township of Marlboro entitled "Accessory Buildings and Structures" is hereby amended and supplemented to amend section 220-140(E) entitled "Location" amending the provisions establishing specific setback standards to be solely applicable to sheds which are placed on a property as an accessory structure as follows:

2) The setbacks for sheds that are placed on a property as an accessory structure and are not larger than one hundred fifty (150) square feet and not taller than eleven (11') feet in height shall be a minimum of five (5') feet from the rear and side property lines. Not more than one such shed shall be permitted to be placed on the property.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2013-222/Ordinance #2013-16 (Authorizing Leasing of Capital Equipment from MCIA and Execution of Lease and Agreement) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0.

RESOLUTION # 2013-222

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-16

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 1, 2013 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2013-16

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Township Council of the Township of Marlboro, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Township of Marlboro (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of

capital equipment from The Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issued to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$223,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;

(b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

The following Resolution #2013-223/Ordinance #2013-17 (Authorizing Guaranty for Payment of Principal and Interest on Capital Equipment Lease Review Bond of MCIA) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-223

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-17

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2013 (MARLBORO PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 1, 2013 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2013-17

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2013 (MARLBORO PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

BE IT ORDAINED by the TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Township of Marlboro, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2013 (Marlboro Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled "Capital Equipment Lease Revenue Bond Resolution (Marlboro Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Municipality pursuant to a lease and agreement to be entered into by the Authority and the Municipality (the "Lease"). Such guaranty shall be given in

accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Municipality, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Municipality's equipment as set forth in Schedule A which will be subject to the Lease and to pay the Municipality's share of the costs of issuance, but in no event shall such principal amount exceed \$223,000.

(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of

issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

Resolution #2013-224/Ordinance #2013-18 (Amending Section 220-18 - Stormwater Management Fees) was carried until after the Closed Session.

The following Resolution #2013-225 (Approving Form and Authorizing Execution of Letter of Representation and Continuing Disclosure Agreement - MCIA) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-225

A RESOLUTION OF THE TOWNSHIP OF MARLBORO, NEW JERSEY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2013 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

WHEREAS, the Township of Marlboro, New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2013 (Marlboro Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2013, there has been prepared and submitted to the Municipality a Letter of Representative in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2013 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person"):

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF MARLBORO AS FOLLOWS:

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the

determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or property for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2013 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

The following Resolution #2013-226 (Authorizing Water Emergency Appropriation - NJEIT Water Debt Service - Tennent Road Treatment Treatment Plant Project) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-226

RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION
PURSUANT TO NJS 40A:4-48

WHEREAS, an emergency has arisen with respect to unanticipated debt payments and fees included in the modified debt schedule associated with the New Jersey Environmental Infrastructure Trust Financing dated May 22, 2013; and

WHEREAS, the Township of Marlboro adopted the 2013 Municipal Budget on May 2, 2013; and

WHEREAS, the Township had not provided for these unanticipated charges in the 2013 Water Utility budget; and

WHEREAS, NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$201,000.00:

WATER UTILITY FUND - NJEIT FINANCING CHARGES \$201,000.00

NOW, THEREFORE, BE IT RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for 2013 WATER UTILITY FUND - NJEIT FINANCING CHARGES \$201,000.00.
2. That said emergency appropriation shall be provided for in full in the 2014 budget.
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Council President LaRocca recused himself and left the room. Council Vice President Marder took over as chair of the meeting. The following Resolution #2013-227 (Renewal of Liquor License - B & B Hospitality, Inc.) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2013-227

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor License be and it is hereby renewed for the period beginning July 1, 2013 through June 30, 2014.

B & B Hospitality LLC
T/A Osteria

1328 33 019 002

The following Resolution #2013-228 (Approving Developer's Agreement - American Plaza - Water Utility) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-228

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND AMERICAN PLAZA IN CONNECTION WITH PRELIMINARY, TENTATIVE AND FINAL WATER SERVICE APPROVAL FOR THE SITE LOCATED ON BLOCK 176 LOTS 5.01, 5.02 9-11, ROUTE 9 AND TEXAS ROAD, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, AMERICAN PLAZA, (the "Developer") has applied to the Township of Marlboro Water Utility Division for Preliminary, Tentative and Final Water Service Approval for the property located at US Route 9 and Texas Road, which is known as Block 176 Lots 5.01, 5.02, 9-11 on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, (the "Site") to construct additions to the existing American Plaza retail center which is currently developed with a multi-tenant retail building and a Costco Wholesale retail building having a fuel service station component, which will consist of a proposed 3,240 square foot pad site bank facility with drive thru lanes within the existing parking area west of the existing multi-tenant retail building and a 9,661 square foot building addition along the east side and rear of the existing multi-tenant retail building, the ("Project"); and

WHEREAS, the Township of Marlboro Water Utility Division has granted approval with respect to the water service to the Project and the site and conditioned the approval upon the Developer entering into a Developer Agreement with the Township of Marlboro Water Utility Division and posting all the necessary performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that if applicable the execution by the Director of Public Works on behalf of the Township of Marlboro Water Utility Division be and is hereby ratified and the Mayor is authorized to execute and the Municipal Clerk is authorized to witness, the Developer Agreement with AMERICAN PLAZA (the "Developer") for the Preliminary, Tentative and Final Water Service Approval issued for the site located on Block 176 Lots 5.01, 5.02, 9-11 on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located on Route 9 and Texas Road, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. AMERICAN PLAZA
- b. Township Business Administrator
- c. Township Engineer
- d. Township Chief Financial Officer
- e. Marlboro Township Water Utility Division

Resolution #2013-229 (Authorizing remedial Investigation and Remedial Action - Penksa Farm - Block 171, Lot 5) was carried until after the closed session.

As the consent agenda, the following resolutions were introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor: Res. #2013-230 (Award of Bid - Purchase of Ambulance - 2013 Capital 105-1), Res. #2013-231 (Authorizing State Contract - Purchase of Replacement Vehicle for Building Dept. - 2013 Capital 850-2), Res. #2013-232 (Authorizing State Contract - Purchase of Replacement Vehicle(2) for Building Dept.- 2013 Capital 850-2), Res. #2013-233 (Authorizing State Contract - Replacement of Police SUV/OEM/Firearms Vehicle (2007 Capital), Res. #2013-234 (Award of Bid for Water Distribution Products), Res. #2013-235 (Authorizing Application to NJ BPU Clean Energy Program for Municipal Energy Audit Funding), Res. #2013-236 (Authorizing Monmouth County Commodity Resale Agreement), Res. #2013-237 (Authorizing Internet-based Reverse Auctions and Award of Bid for Sale of Solar Renewal Energy Credits - S-RECS), Res. #2013-238 (Authorizing Award of Contract - Purchase of Replacement Grooming Machine through MRESC), Res. #2013-239 (Award of Bid - Dump Truck), Res. #2013-240 (Authorizing application to the NJ FY2013 Body Armor Replacement Program), Res. #2013-241 (Authorizing Application to Somerset County's Co-Operative Pricing System), Res. #2013-242 (Redemption Tax Sale Certs - Various), Res. #2013-243 (Disabled Veteran Exemption - B. 411, L. 37), Res. #2013-244 (Disabled Veteran Exemption - B. 171, L. 25), Res. #2013-245 (Overpayments form 2013 Taxes), Res. #2013-246 (State Judgment - B. 153.02, L. 7), Res. #2013-247 (State Judgment - B. 176, L. 26), Res. #2013-248 (Overpayments for 2013 Water Charges), Res. #2013-249 (Authorizing Discharge of Mortgage - 685 Snowdrop Court), and Res. #2013-250 (Discharge of Repayment Mortgage - 8 Thrasher Court).

RESOLUTION # 2013-230

A RESOLUTION AWARDING CONTRACT TO BAY HEAD INVESTMENTS, INC.
FOR THE PROVISION OF ONE (1) NEW 2013 FORD E-450 AMBULANCE

WHEREAS, the Township of Marlboro as part of its 2013 capital program (105-1) authorized the acquisition of a replacement ambulance for the Department of Public Safety; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF ONE (1) NEW 2013 FORD E-450 AMBULANCE, and on June 11, 2013, received one (1) bid therefor; and

WHEREAS, the sole bid received was as follows:

COMPANY	PRICE
BAY HEAD INVESTMENTS, INC. 43 Jefferson Avenue Berlin, NJ 08009	\$192,078.00

WHEREAS, it has been determined that the submission of the lowest bidder, BAY HEAD INVESTMENTS, INC. is responsive as detailed in a July 3, 2013 memo submitted by the Department of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Department of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to BAY HEAD INVESTMENTS, INC. whose address is 43 Jefferson Avenue, Berlin, NJ 08009 for the PROVISION OF ONE (1) NEW 2013 FORD E-450 AMBULANCE, for a contract amount not to exceed \$192,078.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with BAY HEAD INVESTMENTS, INC., in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED funds in the amount of \$192,078.00 have been certified in Capital Account #04-215-13-08F-105297 by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. BAY HEAD INVESTMENTS, INC.
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-231

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #83013
TO BEYER FORD FOR THE PURCHASE OF ONE (1) REPLACEMENT
2013 FORD EXPLORER FOR THE TOWNSHIP OF MARLBORO BUILDING
DEPARTMENT

WHEREAS, the Township of Marlboro as part of its 2013 capital program (850-2) authorized the acquisition of replacement vehicles for the Building Department; and

WHEREAS, the Building Department has recommended that the Township purchase ONE (1) 2013 FORD EXPLORER from BEYER FORD, 170 Ridgedale Ave, Morristown, New Jersey 07962 under State Contract #83013 in an amount not to exceed \$27,651.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Building Department to obtain the replacement 4-wheel drive vehicle from BEYER FORD; and

WHEREAS, funds are available in Uniform Construction Code Account 16-201-56-850-297850 for an amount not to exceed \$27,651.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of ONE (1) 2013 FORD EXPLORER;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase ONE (1) 2013 FORD EXPLORER from BEYER FORD, 170 Ridgedale Ave, Morristown, New Jersey 07962 under State Contract #83013 in an amount not to exceed \$27,651.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. BEYER FORD
- b. Township Administration
- c. Township Building Department
- d. Township Chief Financial Officer

RESOLUTION # 2013-232

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #83515 TO
DFFLM LLC FOR THE PURCHASE OF TWO (2) REPLACEMENT 2013
FORD F-150 PICK-UP TRUCKS FOR THE TOWNSHIP OF MARLBORO
BUILDING DEPARTMENT

WHEREAS, the Township of Marlboro as part of its 2013 capital program (850-2) authorized the acquisition of replacement vehicles for the Building Department; and

WHEREAS, the Building Department has recommended that the Township purchase TWO (2) 2013 FORD F-150 PICK-UP TRUCKS from DFFLM LLC, 215 Route 202 & 31, Flemington, New Jersey 08822 under State Contract #83515 in an amount not to exceed \$47,076.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Building Department to obtain the replacement 4x4 vehicles from DFFLM LLC; and

WHEREAS, funds are available in Uniform Construction Code Account 16-201-56-850-297850 for an amount not to exceed \$47,076.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of TWO (2) 2013 FORD F-150 PICK-UP TRUCKS;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase TWO (2) 2013 FORD F-150 PICK-UP TRUCKS from DFFLM LLC, 215 Route 202 & 31, Flemington, New Jersey 08822 under State Contract #83515 in an amount not to exceed \$47,076.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. DFFLM, LLC
- b. Township Administration
- c. Township Building Department
- d. Township Chief Financial Officer

RESOLUTION # 2013-233

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #83577 TO
DFFLM LLC FOR THE PURCHASE OF ONE (1) 2013 FORD SUPER
DUTY F-250 SRW PICK-UP TRUCK FOR THE TOWNSHIP OF
MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro as part of its 2007 capital program authorized the acquisition of a vehicle for the Police Department; and

WHEREAS, the Police Department has recommended that the Township purchase ONE (1) 2013 FORD SUPER DUTY F-250 SRW PICK-UP TRUCK from DFFLM LLC, 215 Route 202 & 31, Flemington, New Jersey 08822 under State Contract #83577 in an amount not to exceed \$26,568.80; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain the vehicle from DFFLM LLC; and

WHEREAS, funds are available in Capital Account 04-215-07-12K-106297 for an amount not to exceed \$26,568.80 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of ONE (1) 2013 FORD SUPER DUTY F-250 SRW PICK-UP TRUCK;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase ONE (1) 2013 FORD SUPER DUTY F-250 SRW PICK-UP TRUCK from DFFLM LLC, 215 Route 202 & 31, Flemington, New Jersey 08822 under State Contract #83577 in an amount not to exceed \$26,568.80; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. DFFLM LLC
- b. Township Administration
- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2013-234

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO WATER WORKS
SUPPLY CO., INC. FOR THE SUPPLY OF WATER DISTRIBUTION
PRODUCTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC
WORKS WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2013 capital program (500-10) authorized certain water utility system improvements; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE SUPPLY OF WATER DISTRIBUTION PRODUCTS, and on June 5, 2013, received one (1) bid, as follows:

#	Bidder	Bid Amount
1	Water Works Supply Co., Inc. Pompton Plains, NJ 07444	\$49,324.44

; and

WHEREAS, the bid submission of the sole bidder, WATER WORKS SUPPLY CO., INC. of Pompton Plains, NJ has been determined to be responsive as detailed in a June 11, 2013 memo transmitted by the Water Utility Division; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Water Utility Division to award the bid as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to WATER WORKS SUPPLY CO., INC., whose address is 660 State Highway 23, PO Box 306, Pompton Plains, NJ 07444 in an amount not to exceed \$49,324.44 for THE SUPPLY OF WATER DISTRIBUTION PRODUCTS; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with WATER WORKS SUPPLY CO., INC., whose address is 660 State Highway 23, PO Box 306, Pompton Plains, NJ 07444, for a period of one (1) year with an option to renew for one two-year or two (2) one year periods on the same terms and conditions as specified in the bid, in an amount not to exceed \$49,324.44; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$49,324.44 are available for the aforesaid contract in Capital Account 06-215-13-10A-500288; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. WATER WORKS SUPPLY CO., INC.
- b. Township Administration
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2013-235

RESOLUTION AUTHORIZING LOCAL GOVERNMENT ENERGY AUDIT

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program, an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Governing Body of the Township of Marlboro has decided to apply to participate in the Local Government Energy Audit Program; and,

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Township of Marlboro, are served by a New Jersey regulated public utility, and that the Township of Marlboro has not already reserved \$100,000 in the Program this year as of this application; and,

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and,

WHEREAS, upon acceptance into the Program, the Township of Marlboro will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from

the authorized contractors, and submit the Part B application; and,

WHEREAS, the Township of Marlboro understands that energy audit work cannot proceed until a Application Approval Notice is received from the Program; and,

WHEREAS, the Township of Marlboro has passed a resolution(s) joining the following state or national organization(s) supporting energy efficiency, greenhouse gas reduction, sustainable/green design or high performance buildings:

Sustainable Jersey

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Marlboro, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities; and,

BE IT FURTHER RESOLVED that a copy of resolution(s) in joining the state or national organizations listed above be attached to and made a part of this resolution.

RESOLUTION # 2013-236

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMODITY
RESALE AGREEMENT WITH THE COUNTY OF MONMOUTH

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174 - MCCRS), for the period of September 30, 2013 through September 30, 2018; and

WHEREAS, it would be in the best interest of this Municipality to become or remain a member of the Monmouth County Commodity Resale System for that period.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Governing Body of the Township of Marlboro that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stephen G. Callas, Director
Office of Shared Services
County of Monmouth, Hall of Records Annex, First Floor,
1 East Main Street, Freehold, New Jersey 07728
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-237

A RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY
E-PROCUREMENT PILOT PROGRAM, AUTHORIZING THE ENGAGEMENT OF
AN ON-LINE PURCHASING AGENT AND AUTHORIZING INTERNET-BASED
AUCTIONS AND EXECUTION OF AGREEMENTS FOR THE SALE OF SOLAR
RENEWABLE ENERGY CREDITS

WHEREAS, the Marlboro Township Municipal Utilities
Authority (MTMUA) had a contract for the sale of solar
renewable energy credits (S-RECs) which expired on May 31,
2011; and

WHEREAS, on November 19, 2012, the Mayor and Township
Council authorized the engagement of Marex Spectron, an on-
line purchasing agent for the purpose of conducting internet-
based auctions for the sale of approximately 1,500 S-RECs
generated between June 1, 2011 and September 30, 2012; and

WHEREAS, on December 6, 2012, the Township entered into
contracts for the sale of 1,626 S-RECs generated between June
1, 2011 and September 30, 2012; and

WHEREAS, the Township has been closely monitoring market
conditions and wishes to sell approximately 500 S-RECs
generated between October 1, 2012 and May 31, 2013; and

WHEREAS, additionally, the Township further wishes to
enter into a contract to sell up to 50% of future S-RECS
generated through May 31, 2015; and

WHEREAS, the Township wishes to conduct a sale of S-
RECs before July 31, 2013; and

WHEREAS, the State of New Jersey allows local government
units, through participation in an *E-Procurement Pilot
Program* in accordance with the provisions of the *Local Unit
Electronic Technology Pilot Program and Study Act* (P. L.
2001, c. 30), to utilize on-line auction services for the
sale of S-RECs; and

WHEREAS, pursuant to provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including S-RECs; and

WHEREAS, the Township solicited proposals from three of the vendors authorized by the State of New Jersey to conduct internet-based auctions of S-RECs; and

WHEREAS, Marex Spectron has once again offered to serve as Marlboro Township's on-line purchasing agent for the reasonable sum of \$3.00 per S-REC sold totaling \$1,500.00 for 500 S-RECs and \$3.00 per S-REC for S-RECs generated and sold between June 1, 2013 and May 31, 2015; and

WHEREAS, the Department of Public Works, Water Utility Division has recommended the selection of Marex Spectron to serve as Marlboro Township's on-line purchasing agent in accordance with its proposal.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, and State of New Jersey, that:

Section 1. The participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30) is hereby authorized and approved for the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform.

Section 2. The Township is hereby authorized to enter into an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as an on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's planned sale of S-RECs.

Section 3. The engagement of Marex Spectron, shall be effected through the execution of an Agreement substantially in the form attached hereto and made a part hereof as Exhibit A, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30).

BE IT FURTHER RESOLVED that

Section 1. The Mayor, or his designee, is hereby authorized to conduct internet-based auctions through Marex Spectron for the sale of approximately 500 S-RECs generated between October 1, 2012 and May 31, 2013 and up to 50% of future S-RECS to be generated through May 31, 2015; and

Section 2. The Mayor, or his designee, is hereby authorized to award a contract to and execute an agreement, in a form approved by the Township Attorney, with the responsible bidder(s) which offer(s) the highest per credit price offering resulting from the aforementioned internet-based auction for the sale of S-RECs, provided the bid accepted offers a per S-REC price equal to or higher than \$120.00; and

Section 3. The Mayor, or his designee, shall report on the bid results at the first meeting of the Township Council following the conclusion of the auctions to enable the Township Council to ratify and confirm the contract award.

Section 4. A certified true copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan L. Hornik
- b. Marlboro Township Chief Financial Officer
- c. Marlboro Township Director of Public Works
- d. Marex Spectron
- e. NJ Division of Local Government Services

RESOLUTION # 2013-238

RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF A REPLACEMENT TORO INFIELD PRO 5040 INFIELD GROOMING MACHINE THROUGH BIDS OBTAINED BY THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC)

WHEREAS, the Township of Marlboro as part of its 2013 capital program (123-8) authorized the acquisition of equipment for the Public Works Department; and

WHEREAS, the Township is authorized to purchase GROUNDS EQUIPMENT from bids obtained from a cooperative pricing system such as the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) conducted a public bidding process and awarded a contract to Storr Tractor Company, 3191 Highway 22, Branchburg, NJ 08876, for the provision of GROUNDS EQUIPMENT; and

WHEREAS, the Public Works Department has indicated that Storr Tractor Company has agreed to extend the pricing provided through the MRESC to Marlboro Township; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for the purchase of replacement GROUNDS EQUIPMENT for a total amount not to exceed \$28,078.19; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase GROUNDS EQUIPMENT through the MRESC; and

WHEREAS, funds in the amount of \$28,078.19 have been certified by the Chief Financial Officer in Capital Account 04-215-13-08J-122297 for this purpose; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of GROUNDS EQUIPMENT from Storr Tractor Company, at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$28,078.19.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase replacement GROUNDS EQUIPMENT, at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$28,078.19; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Storr Tractor Company, Branchburg, NJ
- b. Township Administrator
- c. Township Public Works Department
- d. Township Chief Financial Officer

RESOLUTION # 2013-239

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO TRIUS, INC.
FOR THE PROVISION OF ONE (1) NEW 42,000 GVWR DUMP TRUCK WITH
RELATED EQUIPMENT FOR THE MARLBORO TOWNSHIP
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2013 capital program (120-1) authorized the purchase of a DUMP TRUCK WITH RELATED EQUIPMENT for the Department of Public Works; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for ONE (1) NEW 42,000 GVWR DUMP TRUCK WITH RELATED EQUIPMENT, and on June 25, 2013, received three (3) bids, as follows:

		Trius, Inc. Bohemia, NY	Mid-Atlantic Truck Centre Linden, NJ	Cambria Automotive Companies Edison, NJ
Item 1	One (1) 42,000 GVWR Dump Truck Chassis & Dump Body	133,438.00	135,495.00	144,882.00
Item 2	One (1) Snowplow Complete	11,918.00	10,208.00	12,765.00
Item 3	One (1) V-Box Sander & Wetting System Complete	19,010.00	21,664.00	22,660.00
	Base Total	\$164,366.00	\$167,367.00	\$180,307.00 *
Opt. 1	Aluminum Rims	1,373.00	1,419.00	2,384.00
Opt. 2	Spreader Leg System	3,446.00	4,045.00	4,275.00
Opt. 3	Spreader Spill Shields	1,031.00	1,599.00	2,460.00

*Figure adjusted for mathematical error.

Grand Total [Base + Opt.1 + Opt.2 + (Opt. 3 x 2)]	\$171,247.00	\$176,029.00	\$191,886.00
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; and

WHEREAS, the submission of the apparent lowest bidder included two exceptions which were determined to be non-material in nature in a July 3, 2013 memo submitted by the Department of Public Works; and

WHEREAS, the Department of Public Works has reported that Trius, Inc. is the apparent responsive low bidder, and has recommended that the contract for ONE (1) NEW 42,000 GVWR DUMP TRUCK WITH RELATED EQUIPMENT be awarded to Trius, Inc., 458 Johnson Avenue, Bohemia, NY 11716; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Department of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Trius, Inc., whose address is 458 Johnson Avenue, Bohemia, NY 11716 in an amount not to exceed \$171,247.00 for the purchase of ONE (1) NEW 42,000 GVWR DUMP TRUCK WITH RELATED EQUIPMENT; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Trius, Inc., whose address is 458 Johnson Avenue, Bohemia, NY 11716 in an amount not to exceed \$171,247.00 for the purchase of ONE (1) NEW 42,000 GVWR DUMP TRUCK WITH RELATED EQUIPMENT; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$171,247.00 are available for the aforesaid contract in Capital Account 04-215-13-08I-120297; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Trius, Inc.
- b. Township Administrator
- c. Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2013-240

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR
THE NJ FY2013 BODY ARMOR REPLACEMENT PROGRAM FUNDING FROM THE
NEW JERSEY DEPARTMENT OF CRIMINAL JUSTICE FOR THE MARLBORO
TOWNSHIP POLICE

Whereas, The State Body Armor Replacement Fund Program is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officer's; and,

Whereas, the funds are dedicated funds and cannot be used for any other purpose; and,

Whereas, funds were requested on 7/02/13 for the FY2013 Body Armor Replacement Program, Funding from the NJ Dept. of Criminal Justice; and,

Whereas, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests; and,

Whereas, the funding is a reimbursement that is requested after confirmation of receipt of the ballistic vest.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the

Township is hereby authorized to submit an application to the New Jersey Department of Criminal Justice and execute an agreement for funding from the FY2013 Body Armor Replacement Fund.

RESOLUTION # 2013-241

RESOLUTION AUTHORIZING MEMBER PARTICIPATION IN A
COOPERATIVE PRICING SYSTEM

WHEREAS, the Township of Marlboro desires to become a member of the Somerset County Cooperative Pricing System, #2-SOCCP, effective immediately, and that such membership shall be for the period ending December 31, 2013, and each renewal thereafter of the system, unless the Township of Marlboro elects to formally withdraw from the system;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Clerk are hereby authorized to execute the attached agreement for such membership.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Somerset County
- b. Township Administration
- c. Township Chief Financial Officer

RESOLUTION # 2013-242

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 86,965.57 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$ 86,965.57 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2013-058	184/80	US BANK CUST FOR FNA JERSEY BOI	42,990.97
5 Churchill Court		50 S. 16 TH ST. Suite 1950	
		Philadelphia, PA 19102	
		Assessed Owner:	
		Coffy, Emmanuel & Suzie	

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2013-023 390 ROUTE 79	153/8	US BANK CUST FOR PRO CAP II 50 S. 16 TH ST. Suite 1950 Philadelphia, PA 19102 Assessed Owner: Glowacka, Gregory	225.63
2013-106 16 Jennifer Court	320/4	US BANK C/F NJ Boardwalk, LLC LB#005191 P.O. Box 945191 Cincinnati, OH 45264 Assessed Owner: Pitaluga, Senen & Sandra	3,283.12
2012-015 15 Lloyd Road	116/19	C & L Financial, LLC 3 Fox Hedge Road Colts Neck, NJ 07722 Assessed Owner: Handel, Henry & Kathleen Prentice	28,012.99
2013-012 117 Greenwood Road	120/11	US BANK C/F NJ Boardwalk, LLC LB#005191 P.O. Box 945191 Cincinnati, OH 45264 Assessed Owner: Kot, Robert & Anna	1,771.05
2013-038 5 Lloyd Rd C0386	173/7/	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Tuttle, Jason	719.17
2013-046 1005 Tarragon Ct	176/7/C1005	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Long, Tara	1,576.39
2013-075 24 Taylor Road	225/40	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Sicurella, Salvatore & Margaret	1,058.97
2013-067 1 CUMBERLAND COURT	260.03/1	US BANK C/F NJ Boardwalk, LLC LB#005191 P.O. Box 945191 Cincinnati, OH 45264 Assessed Owner: CONNORS, KEVIN	1,615.14

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2013-089	268/73	US BANK CUST FOR PRO CAP II	1,401.29
59 ROUTE	520	50 S. 16 TH ST. Suite 1950 Philadelphia, PA 19102 Assessed Owner: Quaderi, Seajus S. & Rehman, Mahbub	
2012-053		Nasdom, LLC	2,453.57
315 Devon Place		1527 E. 35 th Street Brooklyn, NY 11234 Assessed Owner: Connell, Martin J. & Lynda A.	
2013-124	395/9	US BANK CUST FOR CRESTAR TAX LIEN	1,688.79
390 ROUTE	79	2 Liberty Place 50 S. 16 TH ST. Suite 1950 Philadelphia, PA 19102 Assessed Owner: Wu, Tsui-Fen	
2013-057	184/1	Soheha	168.49
189 Route	520	P.O. BOX 9416 Trenton, NJ 08650 Assessed Owner: Smith, David	
Total:			\$ 86,965.57

RESOLUTION # 2013-243

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Campbell, Scott & Sandy L., Block 411 Lot 37, located at 7 Jockey Court,

WHEREAS, taxes were billed for 2013 in the amount of \$8,949.81, and

WHEREAS, this exemption became effective August 1, 2013 and

WHEREAS, taxes as August 1, 2013 need to be cancelled in the amount of \$3,411.61,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the remaining taxes of \$ 3,411.61.

RESOLUTION # 2013-244

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Cueto, Andre & Alana, Block 171 Lot 25, located at 117 Crine Road,

WHEREAS, taxes were billed for 2013 in the amount of \$9,927.23, and

WHEREAS, this exemption became effective May 1, 2013 and taxes were paid for the first half of 2013, the above mentioned taxpayer is due a refund of \$ 792.89 for May and,

WHEREAS, Cueto, Andre & Alana is due a refund of \$ 775.22 due to the State of New Jersey applying the 2011 Homestead Benefit to Block 171 Lot 25 in tax year 2013,

WHEREAS, the second half of 2013 taxes of \$ 5,962.14 need to be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to total refund in the amount of \$ 1,568.11 to Cueto, Andre & Alana and cancel the remaining taxes of \$ 5,962.14.

RESOLUTION # 2013-245

WHEREAS, the attached list in the amount of \$ 2,014.35 own as Schedule "A", is comprised of amounts representing overpayments for 2013 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2013 REFUND</u>
120.04/9		Sevumyants, Marina 119 Bramble Drive Morganville, NJ 07751	2,014.30
Total:			<u>2,014.30</u>

RESOLUTION # 2013-246

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$2,534.98 for the year 2012 for Block 153.02 Lot 7, located at 211 Walnut Drive, assessed to Goldenberg, Igor & Lumila.

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,534.98,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,534.98 to Goldenberg, Igor & Lumila.

RESOLUTION #2013-247

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$24,289.15 for the year 2012 for Block 176 Lot 26, located at 363A Route 9, assessed to Shurgard Storage Centers, Inc,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$24,289.15,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$24,289.15 to Shurgard Storage Centers, Inc.

RESOLUTION # 2013-248

WHEREAS, the attached list in the amount of \$ 62.36 known as Schedule "A", is comprised of amounts representing overpayments for 2013 water charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>Account #</u>	<u>REFUND DUE TO:</u>	<u>2013 REFUND</u>
78952	Nadler, Jay 12 Utopia Drive Colts Neck, NJ 07722 Property Location: 709 Montana Drive	62.36

RESOLUTION # 2013-249

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A DISCHARGE OF A REPAYMENT MORTGAGE DATED MARCH 28, 2003, AND RECORDED ON APRIL 4, 2003, AND A REPAYMENT MORTGAGE WHICH IS DATED AUGUST 31, 2010, AND WHICH WAS RECORDED ON SEPTEMBER 22, 2010, AS IT PERTAINS TO A RESIDENTIAL PROPERTY LOCATED AT 685 SNOWDROP COURT, MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 685 Snow Drop Court (Block 176, Lot 706), Marlboro, New Jersey ("the Property"), was acquired by Jody O. Vorel, on August 31, 2010, from Caterina DiMaggio and George Nagy; and

WHEREAS, the Property was then conveyed by Jody O. Vorel to Rhonda Accardi on May 6, 2013; and

WHEREAS, the Property is an affordable unit; and

WHEREAS, on or about March 28, 2003, Caterina DiMaggio entered into a repayment mortgage with the New Jersey Department of Community Affairs as an instrumentality of Marlboro Township with said mortgage being recorded with the County of Monmouth on April 4, 2003, at deed book OR-8212, page 6258; and

WHEREAS, on or about August 31, 2010, Jody O. Vorel also entered into a repayment mortgage with the New Jersey Department of Community Affairs as an instrumentality of Marlboro Township with said mortgage being recorded with the County of Monmouth on September 22, 2010, at deed book 8850, at page 8359; and

WHEREAS, the present owner of the Property, Rhonda Accardi, now desires to obtain the discharge of the foregoing two (2) repayment mortgages; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing repayment mortgages for the reasons sets forth herein;

NOW THEREFORE BE IT RESOLVED that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of the foregoing repayment mortgages as to the Property;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the repayment mortgages as to the Property, that the said discharges will be recorded in the Monmouth County Clerk's Office;

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Township Business Administrator;
- b. Thomas P. Howley, Municipal Housing Liaison;
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2013-250

A RESOLUTION OF THE TOWNSHIP OF MARLBORO TOWN COUNCIL AUTHORIZING
A DISCHARGE OF A REPAYMENT MORTGAGE DATED JUNE 15, 2001, WHICH WAS
RECORDED AGAINST A RESIDENTIAL PROPERTY LOCATED AT 8 THRASHER
COURT, MARLBORO, NEW JERSEY, WHICH IS TO BE
PURCHASED BY A DEBORAH WANKEL

WHEREAS, a residential unit commonly known as 8 Thrasher Court, a/k/a Lot 307-C0008, Block 412, Marlboro, New Jersey ("the Property"), is an affordable unit located in the Glenbrook condominium complex and its affordability controls are governed by the provisions of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the substantive and procedural rules of the Council on Affordable Housing (N.J.A.C. 5:96-1 and 5:97-1 et seq.); and

WHEREAS, Phillip Mancini became the record owner of the Property by way of a purchase of same on or about June 15, 2001, for a stated consideration of \$50,990.00; and

WHEREAS, at or about this same time Phillip Mancini executed a "Repayment Mortgage" on or about June 15, 2001 ("the Mortgage"), in favor of the Department of Community Affairs which is an agency and an instrumentality of the Township of Marlboro; and

WHEREAS, the Mortgage was subsequently recorded in the Monmouth County Clerk's Office on August 20, 2001, in Mortgage Book OR-8045, at Page 6474 et seq.; and

WHEREAS, Phillip Mancini passed away on August 31, 2009, and following his passing Peter J. Furka was granted letters of administration for the estate of Mr. Mancini; and

WHEREAS, Mr. Furka then declared an intention to sell the Property and he subsequently listed the Property for sale; and

WHEREAS, Deborah Wankel now desires to purchase the Property for a purchase price of \$55,000.00; and

WHEREAS, Deborah Wankel has obtained financing to acquire the Property however, as a condition of closing the said lender requires that the Mortgage be discharged; and

WHEREAS, the foregoing lender has agreed to an anticipated closing prior to an actual discharge of the Mortgage so as to allow the sale of the Property to occur; and

WHEREAS, the seller (the Estate of Phillip Mancini) has demonstrated to the Township's satisfaction that it (the estate) will not be receiving any equity from the sale of the Property thus, there will compliance with the terms of the Mortgage by the Estate of Phillip Mancini; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing Mortgage for the reasons sets forth herein and because of the change in ownership from the Estate of Phillip Mancini to Deborah Wankel;

NOW THEREFORE BE IT RESOLVED that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of the Mortgage as aforesaid;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the foregoing Mortgage that it will be recorded in the Monmouth County Clerk's Office;

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Township Business Administrator;
- b. Thomas P. Howley, Municipal Housing Liaison;
- c. Gary M. Jeffas, Esq. (attorney for seller); and
- d. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

At 7:45 PM, Councilwoman Mazzola moved that the meeting go into executive session for reason of discussing land acquisition and potential litigation. This was seconded by Council Vice President Marder, and the following resolution #2013-251 (Closed Session) was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-251

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 18th day of July, 2013 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely land acquisition and potential litigation

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action will be taken following the executive session.

At 8:00 PM, Council President LaRocca moved that the meeting be opened. This was seconded by Council Vice President Marder, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #2013-224/Ordinance #2013-18 (Amending Section 220-18 - Stormwater Management Fees) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-224

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-18

AN ORDINANCE AMENDING CHAPTER 220: LAND USE AND DEVELOPMENT,
ARTICLE II: LAND USE PROCEDURES TO AMEND AND RENAME SECTION 220-18
AS STORM WATER MANAGEMENT MAINTENANCE FEES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 12, 2013 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2013-18

AN ORDINANCE AMENDING CHAPTER 220: LAND USE AND DEVELOPMENT,
ARTICLE II: LAND USE PROCEDURES TO AMEND AND RENAME SECTION 220-18
AS STORM WATER MANAGEMENT MAINTENANCE FEES

WHEREAS, the maintenance and management of storm water in the Township of Marlboro continues to be an issue which has a major impact on existing watersheds and water quality which affects the public health, safety and welfare; and

WHEREAS, the Township of Marlboro has established a fee to be charged to applicants for major development to mitigate the impacts of development on water resources within the Township; and

WHEREAS, the Township Council of the Township of Marlboro finds that it is necessary and appropriate for the costs associated with non site specific storm water management, including but not limited to Capital Programs, Engineering Services and Department of Public Works operations to be borne by applicants for major development within the Township. These preventative storm water management maintenance fees shall be for the purpose of reimbursing the Township for direct fees, costs, charges and expenses for administrative, clerical, technical and maintenance costs of in-house staff and professional consultants such as legal, planning and engineering and other professional fees costs and expenses for the implementation of stormwater management plans and/or measures and their associated impact to existing and future municipal infrastructure, waterways and watersheds.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Fee Schedule C: Storm Water Improvement Fees as contained within Chapter 220, Land Use and Development of the Code of the Township of Marlboro be and is hereby amended to provide that the stormwater improvement fee for residential and non-residential development shall be amended to be \$2,400 per acre as follows:

Fee Schedule C: Stormwater Improvement Fees
Marlboro Township
Land Use Fee Schedule C
Stormwater Improvement Fees

Type of Development

	Fee
Residential Development	\$2,400.00 per acre.
Non-residential Development	\$2,400.00 per acre

BE IT FURTHER ORDAINED, by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New that Chapter 220: Land Use and Development, Article II: Land Use Procedures, Section 220-18 is amended and renamed as follows:

220-18. Stormwater Management Maintenance Fees:

- A. As recognized in the State's Best Management Practices Manual, regular and thorough maintenance is necessary for stormwater management measures to perform effectively and

reliably. Failure to perform such maintenance can lead to diminished performance, deterioration, and failure, in addition to a range of health and safety issues. The potential for problems to develop is accentuated by the various features that allow stormwater management measures to function as designed, including holding or slowing moving water, dense vegetation, forebays, trash racks, dams, and the need to continually function in all types of weather. By nature, stormwater management measures are also expected to become repositories for sediment, nutrients, trash, debris, and other pollutants targeted by the NJDEP Stormwater Management Rules. Accordingly, stormwater management measures require regular inspection and cleaning, sediment and debris removal, and periodic replacement. In recognition of these needs and potential problems, preventative maintenance fees are required for development applications. The fees required by Schedule C shall be for the purpose of reimbursing the Township for direct fees, costs, charges and expenses for administrative, clerical, technical, and maintenance costs of in-house staff and professional consultants such as legal, planning, and engineering and other professional fees, costs and expenses exclusively for the implementation of stormwater management plans and/or measures and their associated impact to existing and future Municipal infrastructure, waterways, and watersheds.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2013-229 (Authorizing Remedial Investigation and Remedial Action - Penksa Farm - Block 171, Lot 50) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-229

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT
BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR
ENVIRONMENTAL AND SURVEY ENGINEERING WORK IN CONNECTION WITH
THE ACQUISITION OF THE PROPERTY "PENKSA FARM", LOCATED AT 60
HARBOR ROAD, MARLBORO, NEW JERSEY, ALSO KNOWN AS
BLOCK 171, LOT 50

WHEREAS, the Township authorized CME to perform a Phase II
environmental investigation in connection with the acquisition of
the property known as "Penksa Farm", Block 171, Lot 50 ("the
Project") as required by New Jersey Green Acres; and

WHEREAS, New Jersey Green Acres has reviewed the report and
has requested that the Township address the areas of concern
identified in the report which, following the passage of the Site
Remediation Reform Act N.J.S.A. 58:10C-1, must be addressed by the
Licensed Site Remediation Professional (LSRP); and

WHEREAS, CME Associates has provided a proposal dated July
10, 2013 (the "Proposal") for the professional services required
in connection with the Project, which includes:

LSRP Administration/Forms
Remedial Investigation
Initial Receptor Evaluation
Limited Remedial Action
Remedial Investigation and Remedial Action Report
Response Action Outcome
Asbestos Survey

; and

WHEREAS, the seller has agreed to pay for 50% of the cost of
the environmental remediation work required; and

WHEREAS, by Resolution 2012-339, the Township of Marlboro
authorized and amended a Professional Services agreement with
CME Associates for the provision of engineering services in
connection with the acquisition of the "Penksa Farm"; and

WHEREAS, the Township requires additional professional
engineering services in connection with obtaining Green Acres
funding to offset the acquisition costs; and

WHEREAS, CME Associates has provided a proposal dated July
16, 2013 (the "Proposal") for the additional survey work required;
and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$43,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$43,000.00 are available for this purpose from Account # 04-215-11-04A-140291; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include ENVIRONMENTAL AND SURVEY ENGINEERING WORK IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "PENKSA FARM", LOCATED AT 60 HARBOR ROAD, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 171, LOT 50 by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$43,000.00 for such Professional Services, as further described

and set forth in CME's Proposals dated July 10 and July 16, 2013 ("Proposals"), be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$43,000.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Business Administrator
- c. Township Chief Financial Officer

At 8:05 PM, Council Vice President Marder moved that the meeting be adjourned. This was seconded by Council President LaRocca, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: SEPTEMBER 12, 2013

OFFERED BY: MAZZOLA AYES: 5

SECONDED BY: METZGER NAYS: 0

ALIDA MANCO,
5555MUNICIPAL CLERK

FRANK LaROCCA,
COUNCIL PRESIDENT